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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 D. James Hadel and Robert Daisin, as) Case No.: 2:06-cv-01032-RLH-RJJ
9 Fiduciaries of the NATIONAL ROOFING)
10 INDUSTRY PENSION PLAN; James Hadel)
and John Plescia, as Fiduciaries of the)
11 NATIONAL ROOFERS & EMPLOYERS)
UNION HEALTH & WELFARE FUND,)
12 Plaintiffs,)
13 vs.)
14 WILLIS ROOF CONSULTING, INC., a Nevada)
Corporation; JOSEPH A. WILLIS, individually)
15 and as Trustee of the Joemar Irrevocable Trust,)
as Trustee under an Agreement Dated June 24,)
1997, and as Trustee of the Joseph Arthur Willis)
16 Separate Property Trust; MARIÉ E. WILLIS,)
individually, and as Trustee of the Willis J & M)
17 1990 Living Trust Agreement; JOHN DOES)
I-XX, inclusive; and ROE ENTITIES I-XX,)
18 inclusive,)
19 Defendants.)
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21 On April 9, 2010, almost three years after Plaintiffs commenced this lawsuit,
22 Defendant Willis Roof filed a Chapter 7 Bankruptcy Petition in the United States Bankruptcy
23 Court for the District of Nevada. On April 15, Willis Roof filed a Suggestion of Bankruptcy
24 informing this Court of the pending bankruptcy proceedings. As Willis Roof noted in its
25 Suggestion of Bankruptcy, its decision to file bankruptcy automatically stays Plaintiffs' claims
26 against Willis Roof under 11 U.S.C. § 362(a)(1).

1 11 U.S.C. § 362 requires the Court to observe the automatic stay as to Willis Roof.
 2 The Court notes, however, that the automatic stay also applies to Joseph and Marie Willis because
 3 Plaintiffs filed suit against them in their official capacities as alter-egos of Willis Roof. Alter-ego
 4 claims against officers of a bankrupt company that arise out of the company's financial obligations
 5 belong to the bankruptcy estate and are therefore subject to the automatic stay. *See In re*
 6 *Schimmelpennick*, 183 F.3d 347, 357–58 (5th Cir. 1999); *St. Paul Fire and Marine Ins. Co. v.*
 7 *PepsiCo, Inc.*, 884 F.2d 688, 701–02 (2d Cir. 1989).

8 Because all outstanding motions in this case pertain to either Willis Roof or Joseph
 9 and Marie Willis, the Court hereby denies as moot all outstanding motions. The parties may refile
 10 these motions when the bankruptcy proceedings conclude or in the event the bankruptcy court lifts
 11 the automatic stay.

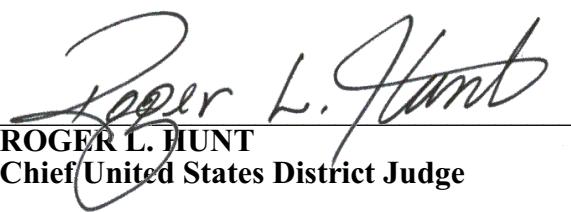
12 **CONCLUSION**

13 Accordingly, and for good cause appearing,

14 IT IS HEREBY ORDERED that the following Motions are DENIED without
 15 prejudice as MOOT:

- 16 • Motion for Magistrate Judge to Reconsider (#126)
- 17 • Motion to Dismiss (#142)
- 18 • Motion to Dismiss, or in the Alternative for Summary Judgment (#144)
- 19 • Emergency Motion to Leave to File Excess Pages (#154)
- 20 • Motion for Sanctions (#158)
- 21 • Motion to Strike (#162)

22 Dated: August 4, 2010.

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 25 ROGER L. HUNT
 26 Chief United States District Judge